

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PATRICIA LOWRY, individually and on behalf of all others similarly situated,)
)
)
Plaintiff,)
)
)
v.) Case No: 1:20-CV-01939
)
RTI SURGICAL HOLDINGS, INC.,)
CAMILLE I. FARHAT, BRIAN K.)
HUTCHISON, JONATHON M.)
SINGER, ROBERT P. JORDHEIM, and)
JOHANNES W. LOUW,)
)
Defendants.)

**ALL PARTIES' JOINT MOTION FOR SCHEDULE TO FILE AN AMENDED COMPLAINT
AND DEFENDANTS' RESPONSE THERETO**

Plaintiff Patricia Lowry, jointly with defendants RTI Surgical Holdings, Inc., Camille I. Farhat, Brian K. Hutchison, Robert P. Jordheim, Johannes W. Louw, and Jonathon M. Singer, by their undersigned counsel, respectfully request the Court enter the parties' proposed schedule for the filing of a consolidated and/or amended complaint and defendants' response thereto. In support of their motion, the parties state:

1. On March 23, 2020, the plaintiff filed a complaint in this action, *see* ECF No. 1, asserting putative class action claims against each of the defendants for alleged violations of the federal securities laws. This action is therefore subject to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 (the "PSLRA").

2. The undersigned counsel for defendants are authorized to and do accept service on behalf of defendants, without prejudice and without waiver of any of defendants' defenses, objections, or arguments, except as to sufficiency of process. Defendants' lack of waiver of

defenses includes, but is not limited to, defenses enumerated in Federal Rules of Civil Procedure 12(b)(1)-(3) and 12(b)(6).

3. The PSLRA provides for the Court's appointment of a lead plaintiff based on competing applications filed no later than sixty (60) days following the publication of notice of the filing of an initial securities class action. *See* 15 U.S.C. § 78u-4(a)(3). In accordance with the PSLRA, counsel for plaintiff published such notice on the date of filing of the complaint. Motions for the appointment as lead plaintiff and for approval of the lead plaintiff's selection of lead counsel are therefore due on May 22, 2020.¹ If competing lead plaintiff applications are filed, a briefing schedule concerning the lead plaintiff process is likely to follow.

4. In actions subject to the PSLRA, the court-appointed lead plaintiff customarily will either file a consolidated and/or amended complaint or designate as the operative complaint a complaint that already has been filed at the time of lead plaintiff's appointment.

5. In the interests of judicial economy and preserving the resources of the parties and the Court, the parties respectfully submit the following schedule to the Court for its consideration:

- a. Defendants need not answer, move, or other respond to the currently filed complaint.
- b. Within sixty (60) days after entry of an Order appointing lead plaintiff and approving lead plaintiff's selection of counsel, the lead plaintiff shall file a consolidated and/or amended complaint, or notify defendants in writing that the lead plaintiff intends to rely on the initial complaint.

¹ The parties are mindful that pandemic-related administrative orders are impacting certain court deadlines. The agreed scheduling order proposed here is intended to be implemented consistent with such orders and the PSLRA. It is Plaintiff's position that the pandemic-related general orders apply only to deadlines set by the Court, the Federal Rules of Civil Procedure, and Local Rules, and do not impact the PSLRA's statutory deadline for the filing of lead plaintiff motions on May 22, 2020..

- c. Defendants shall have sixty (60) days from the lead plaintiff filing or designating an operative complaint to move, answer, or otherwise respond to the operative complaint.
- d. If defendants elect to file motions to dismiss, the lead plaintiff shall file an opposition to those motion no later than sixty (60) days after they are filed.
- e. Defendants shall file replies in further support of any motions to dismiss no later than thirty (30) days after the lead plaintiff filed an opposition.

WHEREFORE, the parties respectfully request that the Court grant their joint motion and enter an order approving the proposed schedule

Dated: April 30, 2020

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CERTIFICATE OF SERVICE

I hereby certify that, on April 30, 2020, I electronically filed the foregoing document using the ECF System for the United States District Court for the Northern District of Illinois. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record in this matter registered on the ECF system.

/s/ Yan Grinblat

Yan Grinblat